



## Senate

General Assembly

**File No. 299**

January Session, 2015

Substitute Senate Bill No. 984

*Senate, March 30, 2015*

The Committee on Labor and Public Employees reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE UNIONIZATION OF NONPARTISAN  
LEGISLATIVE MANAGEMENT EMPLOYEES AND STATE EDUCATION  
RESOURCE CENTER EMPLOYEES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-270 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 When used in sections 5-270 to 5-280, inclusive:

4 (a) "Employer" means the state of Connecticut, its executive,  
5 legislative and judicial branches, including, without limitation, any  
6 board, department, commission, institution, or agency of such  
7 branches or any appropriate unit thereof and any board of trustees of a  
8 state-owned or supported college or university and branches thereof,  
9 public and quasi-public state corporation, or authority established by  
10 state law, or any person or persons designated by the employer to act  
11 in its interest in dealing with employees, but shall not include the State

12 Board of Labor Relations or the State Board of Mediation and  
13 Arbitration.

14 (b) "Employee" means any employee of an employer, whether or not  
15 in the classified service of the employer, except (1) elected or  
16 appointed officials other than special deputy sheriffs, (2) board and  
17 commission members, (3) disability policy specialists assigned to the  
18 Council on Developmental Disabilities, (4) managerial employees,  
19 [and] (5) confidential employees, and (6) partisan staff members of the  
20 legislative branch of the State of Connecticut.

21 (c) "Professional employee" means: (1) Any employee engaged in  
22 work (A) predominantly intellectual and varied in character as  
23 opposed to routine mental, manual, mechanical or physical work; (B)  
24 involving the consistent exercise of discretion and judgment in its  
25 performance; (C) of such a character that the output produced or the  
26 result accomplished cannot be standardized in relation to a given time  
27 period; (D) requiring knowledge of an advanced type in a field of  
28 science or learning customarily acquired by a prolonged course of  
29 specialized intellectual instruction and study in an institution of higher  
30 learning or a hospital, as distinguished from a general academic  
31 education or from an apprenticeship or from training in the  
32 performance of routine mental, manual or physical processes; or (2)  
33 any employee who has completed the courses of specialized  
34 intellectual instruction and study described in subsection (c)(1)(D) and  
35 is performing related work under the supervision of a professional  
36 person to qualify himself to become a professional employee as  
37 defined in subsection (c)(1).

38 (d) "Employee organization" means any lawful association, labor  
39 organization, federation or council having as a primary purpose the  
40 improvement of wages, hours and other conditions of employment  
41 among state employees.

42 (e) "Confidential employee" means any public employee who would  
43 have access to confidential information used in collective bargaining.

44 (f) "Supervisory employee" means any individual in a position in  
45 which the principal functions are characterized by not fewer than two  
46 of the following: (1) Performing such management control duties as  
47 scheduling, assigning, overseeing and reviewing the work of  
48 subordinate employees; (2) performing such duties as are distinct and  
49 dissimilar from those performed by the employees supervised; (3)  
50 exercising judgment in adjusting grievances, applying other  
51 established personnel policies and procedures and in enforcing the  
52 provisions of a collective bargaining agreement; and (4) establishing or  
53 participating in the establishment of performance standards for  
54 subordinate employees and taking corrective measures to implement  
55 those standards, provided in connection with any of the foregoing the  
56 exercise of such authority is not merely of a routine or clerical nature,  
57 but requires the use of independent judgment, and such individuals  
58 shall be employees within the meaning of subsection (b) of this section.  
59 The above criteria for supervisory positions shall not necessarily apply  
60 to police or fire departments.

61 (g) "Managerial employee" means any individual in a position in  
62 which the principal functions are characterized by not fewer than two  
63 of the following, provided for any position in any unit of the system of  
64 higher education, one of such two functions shall be as specified in  
65 subdivision (4) of this subsection: (1) Responsibility for direction of a  
66 subunit or facility of a major division of an agency or assignment to an  
67 agency head's staff; (2) development, implementation and evaluation  
68 of goals and objectives consistent with agency mission and policy; (3)  
69 participation in the formulation of agency policy; or (4) a major role in  
70 the administration of collective bargaining agreements or major  
71 personnel decisions, or both, including staffing, hiring, firing,  
72 evaluation, promotion and training of employees.

73 Sec. 2. Section 10-357a of the general statutes is repealed and the  
74 following is substituted in lieu thereof (*Effective October 1, 2015*):

75 (a) There is hereby established and created a body politic and  
76 corporate, constituting a public instrumentality and political

77 subdivision of the state of Connecticut established and created to be a  
78 public educational authority acting on behalf of the state of  
79 Connecticut, to be known as the State Education Resource Center. The  
80 center shall not be construed to be a department, institution or agency  
81 of the state, except for purposes of chapter 68.

82 (b) (1) The powers of the center shall be vested in and exercised by a  
83 board of directors, which shall consist of the following members: (A)  
84 Four appointed by the Governor, with the advice and consent of both  
85 houses of the General Assembly; (B) two appointed by the State Board  
86 of Education, with the advice and consent of both houses of the  
87 General Assembly; (C) one appointed by the president pro tempore of  
88 the Senate; (D) one appointed by the majority leader of the Senate; (E)  
89 one appointed by the minority leader of the Senate; (F) one appointed  
90 by the speaker of the House of Representatives; (G) one appointed by  
91 the majority leader of the House of Representatives; (H) one appointed  
92 by the minority leader of the House of Representatives; and (I) the  
93 Commissioner of Education, or the commissioner's designee. Each  
94 member appointed by the Governor or the State Board of Education  
95 shall serve at the pleasure of the Governor but not longer than the term  
96 of office of the Governor or until the member's successor is appointed  
97 and qualified, whichever term is longer. Each member appointed by a  
98 member of the General Assembly shall serve in accordance with the  
99 provisions of section 4-1a. Any appointed member who fails to attend  
100 fifty per cent of all meetings of the board held during any calendar  
101 year shall be deemed to have resigned from the board. Each  
102 appointing authority shall make his or her initial appointment to the  
103 board not later than August 15, 2014. The first meeting of the board  
104 shall take place not later than September 15, 2014.

105 (2) The Governor shall appoint the chairperson of the board from  
106 among the members of such board with the advice and consent of both  
107 houses of the General Assembly. Such chairperson shall serve at the  
108 pleasure of the Governor.

109 (3) The chairperson shall, with the approval of the members of the

110 board of directors, appoint an executive director of the center who  
111 shall be an employee of the center and paid a salary prescribed by the  
112 board. The executive director shall supervise the administrative affairs  
113 and technical activities of the center in accordance with the directives  
114 of the board.

115 (c) A majority of the appointed members of the board shall  
116 constitute a quorum for the transaction of any business or the exercise  
117 of any power of the State Education Resource Center. For the  
118 transaction of any business or the exercise of any power of the center,  
119 and except as otherwise provided in this section and sections 10-357b  
120 to 10-357d, inclusive, as amended by this act, the center may act by a  
121 majority of the members present at any meeting at which a quorum is  
122 in attendance.

123 (d) Members shall receive no compensation for their services but  
124 shall be entitled to reimbursement for such members' actual and  
125 necessary expenses incurred during the performance of such members'  
126 official duties. Members may engage in private employment, or in a  
127 profession or business, subject to any applicable laws, rules and  
128 regulations of the state regarding official ethics or conflict of interest. It  
129 shall not constitute a conflict of interest for a trustee, director, partner  
130 or officer of any person, firm or corporation, or any individual having  
131 a financial interest in a person, firm or corporation, to serve as a  
132 member of the board of directors of the center, provided such trustee,  
133 director, partner, officer or individual shall comply with all applicable  
134 provisions of chapter 10.

135 Sec. 3. Section 10-357b of the general statutes is repealed and the  
136 following is substituted in lieu thereof (*Effective October 1, 2015*):

137 (a) The purposes of the State Education Resource Center,  
138 established pursuant to section 10-357a, as amended by this act, shall  
139 be to assist the State Board of Education in the provision of programs  
140 and activities that will promote educational equity and excellence.  
141 Such activities shall be limited to: Training, technical assistance and  
142 professional development for local and regional boards of education,

143 school leaders, teachers, families and community partners in the form  
144 of seminars, publications, site visits, on-line content and other  
145 appropriate means; maintaining a state education resource center  
146 library; publication of technical materials; research and evaluation;  
147 writing, managing, administering and coordinating grants for the  
148 purposes described in this subsection; and any other related activities  
149 directly related to the purposes described in this subsection. The center  
150 may support programs and activities concerning early childhood  
151 education, in collaboration with the Office of Early Childhood,  
152 improving school and district academic performance, and closing  
153 academic achievement gaps between socio-economic subgroups, and  
154 other related programs and activities. For such purposes the center is  
155 authorized and empowered to:

156 (1) Have perpetual succession as a body politic and corporate and to  
157 adopt bylaws for the regulation of its affairs and the conduct of its  
158 business;

159 (2) Adopt an official seal and alter the same at pleasure;

160 (3) Maintain an office at such place or places as it may designate;

161 (4) Sue and be sued in its own name and plead and be impleaded;

162 (5) (A) [Employ] As an employer, as defined in subsection (a) of  
163 section 5-270, as amended by this act, employ such assistants, agents  
164 and other employees as may be necessary or desirable who shall [not]  
165 be employees, as defined in subsection (b) of said section; [5-270;] (B)  
166 establish all necessary or appropriate personnel practices and policies,  
167 including those relating to hiring, promotion, compensation [,] and  
168 retirement, [and collective bargaining, which need not be in  
169 accordance with chapter 68, and the center shall not be an employer as  
170 defined in subsection (a) of section 5-270] unless such personnel  
171 practices and policies are otherwise subject to the provisions of a  
172 collective bargaining agreement; and (C) engage consultants, attorneys  
173 and appraisers as may be necessary or desirable to carry out its  
174 purposes in accordance with this section and sections 10-357a, as

175 amended by this act, 10-357c and 10-357d;

176 (6) Receive and accept aid or contributions from any source of  
177 money, property, labor or other things of value, to be held, used and  
178 applied to carry out the purposes of this section and sections 10-357a,  
179 as amended by this act, 10-357c and 10-357d, subject to such conditions  
180 upon which such grants and contributions may be made, including,  
181 but not limited to, gifts or grants from any department, agency or  
182 instrumentality of the United States or this state for any purpose  
183 consistent with this section and sections 10-357a, as amended by this  
184 act, 10-357c and 10-357d;

185 (7) Make and enter into all contracts and agreements necessary or  
186 incidental to the performance of its duties and the execution of its  
187 powers under this section and sections 10-357a, as amended by this  
188 act, 10-357c and 10-357d, including contracts and agreements for such  
189 professional services as the center deems necessary, including, but not  
190 limited to, those services provided by financial consultants,  
191 underwriters and technical specialists;

192 (8) Acquire, lease, purchase, own, manage, hold and dispose of  
193 personal property, and lease, convey or deal in or enter into  
194 agreements with respect to such property on any terms necessary or  
195 incidental to the carrying out of these purposes;

196 (9) Invest in, acquire, lease, purchase, own, manage, hold and  
197 dispose of real property and lease, convey or deal in or enter into  
198 agreements with respect to such property on any terms necessary or  
199 incidental to carrying out the purposes of this section and sections 10-  
200 357a, as amended by this act, 10-357c and 10-357d, provided such  
201 transactions shall be subject to approval, review or regulation by any  
202 state agency pursuant to title 4b or any other provision of the general  
203 statutes;

204 (10) Procure insurance against any liability or loss in connection  
205 with its property and other assets, in such amounts and from such  
206 insurers as it deems desirable and to procure insurance for employees;

207 (11) Account for and audit funds of the center and funds of any  
208 recipients of funds from the center;

209 (12) Hold patents, copyrights, trademarks, marketing rights,  
210 licenses, or any other evidences of protection or exclusivity as to any  
211 products as defined in this section and sections 10-357a, as amended  
212 by this act, 10-357c and 10-357d, issued under the laws of the United  
213 States or any state or any nation;

214 (13) Establish advisory committees to assist in accomplishing its  
215 duties under this section and sections 10-357a, as amended by this act,  
216 10-357c and 10-357d, which may include one or more members of the  
217 board of directors and persons other than members; and

218 (14) Do all acts and things necessary or convenient to carry out the  
219 purposes of this section and sections 10-357a, as amended by this act,  
220 10-357c and 10-357d, and the powers expressly granted by this section  
221 and sections 10-357a, as amended by this act, 10-357c and 10-357d.

222 (b) The State Education Resource Center shall establish a  
223 Connecticut School Reform Resource Center either within the State  
224 Education Resource Center or by contract through a regional  
225 educational service center, established pursuant to section 10-66a. The  
226 Connecticut School Reform Resource Center shall operate year-round  
227 and shall focus on serving the needs of all public schools. The  
228 Connecticut School Reform Resource Center shall (1) publish and  
229 distribute reports on the most effective practices for improving student  
230 achievement by successful schools; (2) provide a program of  
231 professional development activities for (A) school leaders, including  
232 curriculum coordinators, principals, superintendents and board of  
233 education members, and (B) teachers to educate students that includes  
234 research-based child development and reading instruction tools and  
235 practices; (3) provide information on successful models for evaluating  
236 student performance and managing student data; (4) develop  
237 strategies for assisting such students who are in danger of failing; (5)  
238 develop culturally relevant methods for educating students whose  
239 primary language is not English; and (6) provide other programs and



240 materials to assist in the improvement of public schools.

241 (c) The State Education Resource Center shall be subject to (1) rules,  
242 regulations and restrictions on purchasing, procurement, personal  
243 service agreements and the disposition of assets generally applicable to  
244 Connecticut state agencies, including those contained in titles 4, 4a and  
245 4b, section 4e-19, and (2) audit by the Auditors of Public Accounts  
246 under section 2-90.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	5-270
Sec. 2	<i>October 1, 2015</i>	10-357a
Sec. 3	<i>October 1, 2015</i>	10-357b

**LAB**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 16 \$</b>	<b>FY 17 \$</b>
Legislative Mgmt.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

### **Municipal Impact:** None

### **Explanation**

The bill would allow legislative nonpartisan employees and State Education Resource Center (SERC) employees to unionize.<sup>1</sup> The bill affects 249 nonpartisan employees. To the extent that nonpartisan employees unionize, collectively bargain, and such agreement is approved by the legislature; the state could realize a cost. Any costs would depend on the outcome of collective bargaining negotiations.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to collective bargaining negotiations, if employees unionize and collectively bargain with the state.

Sources: Core-CT Financial Accounting System  
Legislative Management

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<sup>1</sup>SERC employees are not state employees.

**OLR Bill Analysis****sSB 984*****AN ACT CONCERNING THE UNIONIZATION OF NONPARTISAN LEGISLATIVE MANAGEMENT EMPLOYEES AND STATE EDUCATION RESOURCE CENTER EMPLOYEES.*****SUMMARY:**

This bill allows non-partisan legislative employees and employees of the State Education Resource Center (SERC) to collectively bargain (i.e., form a union) under the State Employees Relations Act. Current law (1) bars all legislative employees from bargaining and (2) does not consider SERC employees to be state employees for collective bargaining purposes.

The bill also specifies that SERC's ability to set employee personnel policies does not preempt the provisions of any collective bargaining agreement.

EFFECTIVE DATE: October 1, 2015

**BACKGROUND****SERC**

SERC is a quasi-public authority, created by PA 14-212, that operates under a board of directors and carries out certain educational purposes for the state. Its employees are not state employees.

***State Employee Collective Bargaining***

By law, the State Board of Labor Relations can certify that a state employee union is the exclusive representative of a bargaining unit's employees if it finds that a majority of employees seek to have the union as their exclusive representative. In situations when there is more than one union seeking to be the representative, there must be a secret ballot to determine representation (CGS § 5-275(a)).

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea     7         Nay     5         (03/12/2015)